

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

HORACE THOMPSON,

Plaintiff,

-against-

JILL PFEFFERBAUM,

Defendant.

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ JAN 12 2006 ★

BROOKLYN OFFICE

REPORT AND
RECOMMENDATION
CV-05-1267 (JBW)

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Plaintiff filed this action on March 9, 2005. By Order dated May 27, 2005, an initial conference was scheduled for July 29, 2005. Docket Entry 2. Neither side appeared. Accordingly, I issued an order rescheduling the initial conference for September 26, 2005. Docket Entry dated August 1, 2005. My Order specifically alerted counsel that failure to appear could result in a recommendation of dismissal for failure to prosecute.

Despite my second scheduling order, neither side appeared for the conference on September 26, 2005. My chambers placed a telephone call to the offices of plaintiff's counsel, and was informed that the matter settled some time ago. Although my chambers requested written confirmation of the settlement four weeks ago, counsel have failed to respond to that request.

Accordingly, I respectfully recommend that this action be dismissed. Any objections to this report and recommendation must be filed with the Clerk of the Court, with copies provided to the Honorable Jack B. Weinstein, within ten days of receipt, and in any event no later than November 14, 2005. Failure to file timely objections may waive the right to appeal the District Court's order. See 28 U.S.C. §636(b) (1); Fed.R.Civ.P. 6(a), 6(e), 72; Small v. Secretary of Health and Human Services, 892 F.2d 14, 15 (2d Cir. 1989).

Dated: Brooklyn, New York
October 28, 2005

/s/

STEVEN M. GOLD

United States Magistrate Judge

*Case Dismissed. No objection
reserved. Sp. ordered*

1/3/06

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